

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENNIS ALLEN, et al. :
 : Case No. C-1-01-159
 :
 Plaintiffs : Judge Herman S. Weber
 :
 v. : Magistrate Judge Timothy S. Hogan
 :
 JOHN CRARY, et al. :
 :
 Defendant/ : **DECLARATION OF POLLY JONES**
 Third-Party Plaintiff :
 :
 v. :
 :
 POLLY JONES, et al. :
 :
 Third-Party Defendants :
 :
 :

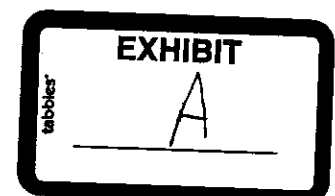
* * * * *

I, Polly Jones, certify and declare as follows:

1. I am employed by Pickering Insurance Services ("Pickering Insurance") as an administrative assistant to Randy Pickering, who is my husband and the owner of Pickering Insurance. I have served in this position since 1987.

2. In 1999 and 2000, Pickering Insurance was the insurance broker for The Lassen Companies, Inc. ("Lassen"), with respect to the health benefits plans ("Plans") for Lassen's employees. The insurance carrier for the Plans was Great West Insurance Company ("Great West").

3. On two occasions, once in 1999 and once in 2000, Great West put the Plans on administrative hold because Lassen was in arrears in its payments of premiums to Great West, which ultimately terminated the Plans in 2000.



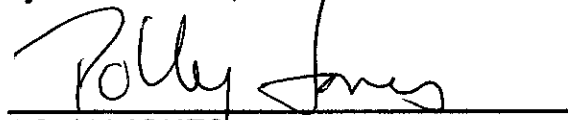
4. As an employee of Lassen's insurance broker, I urgently reminded Lassen management on many, many occasions during this time that the company was in arrears to Great West and that it needed to immediately pay all monies owed to Great West. However, no one employed by Pickering Insurance, including my husband and I, had authority to decide whether Lassen ultimately paid its premiums to Great West.

5. No one employed by Pickering Insurance, including my husband and I, had access to or control over Lassen's "claims account," which Great West accessed to pay Lassen employees' medical bills. No one at Pickering Insurance had any control over the monies Lassen deposited, or failed to deposit, into the claims account, including employee contributions to the Health Plans.

6. During the periods of time in 1999 and 2000 that the Plans were on administrative hold, I received many telephone calls at Pickering Insurance from employees at Lassen, complaining that their medical bills were not being covered by the insurance. In almost every instance, the administrative hold was the cause of the unpaid bill. In those instances, I explained to the employees that Great West had put the Plans on administrative hold.

I declare subject to the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Vista, California, this 5th day of November, 2003.


POLLY JONES